

REMARKS

The Office has required restriction in the present application as follows:

- Group I: Claims 1-2, 4-5, 7, and 18 drawn to polynucleotide sequences, a vector, and a transformant;
- Group II: Claims 3 and 13, drawn to polypeptides encoded by the polynucleotide sequences and a medicament which comprises the peptide;
- Group III: Claim 6, drawn to a process of producing the polypeptide;
- Group IV: Claim 8, drawn to an antibody to the peptide;
- Group V: Claim 9, drawn to an immunological detection method of a peptide;
- Group VI: Claim 10, drawn to a method for screening a sugar production-regulating substance;
- Group VII: Claim 11, drawn to a different method for screening a sugar production-regulating substance;
- Group VIII: Claim 12, drawn to a medicament that contains the compound obtained from the screening method;
- Group IX: Claim 14, drawn to a medicament that contains an anti-sense polynucleotide to the protein-encoding sequence;
- Group X: Claim 16, drawn to a use of the compound obtained from a screening method for regulation of sugar production;
- Group XI: Claim 17, drawn to a method of detecting diabetes; and
- Group XII: Claim 19, drawn to a method of screening a sugar production regulating substance.

Applicants have elected, with traverse, Group I: Claims 1-2, 4-5, 7, and 18 drawn to polynucleotide sequences, a vector, and a transformant, for further prosecution.

At the outset, Applicants traverse the Restriction Requirement on the grounds that the inventions of Groups I, II, and IV have unity of invention. Groups I, II and IV have unity of invention because they possess the special technical feature of having or recognizing unique

Application No. 10/511,270
Reply to Office Action of September 9, 2005

structural recognition information in that comprises specific peptide or protein contacts necessary for binding to WF00144. Withdrawal of the Restriction Requirement is requested.

Additionally, Applicants traverse on the Examiner's own admission that the polynucleotide sequences and polypeptides of Groups I and II, and the screening methods of Groups VI-VII and XII, are related. Withdrawal of the Restriction Requirement is requested.

Further, Applicants traverse on the grounds that a search of all the claims would not present an undue burden. MPEP in §803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all the claims would not impose a serious burden on the Office. Withdrawal of the Restriction Requirement is requested.

Finally, Applicants note that MPEP §821.04 states:

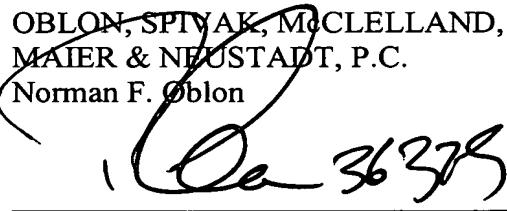
If the Applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that should the elected Group be found allowable, the non-elected claims should be rejoined.

Applicants submit that the present application is in condition for examination on the merits. Early notification to this effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Daniel J. Pereira, Ph.D.
Registration No. 45,518

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)